REMARKS/ARGUMENTS

Claims 1, 3-7, 12-14, 19-24 and 28-42 are pending in the application. Claims 31-42 were withdrawn based on an election to a restriction requirement made on September 28, 2007. Claims 1, 3, 7, 12-14, 19-24 and 28-30 stand rejected by the Office Action mailed on March 17, 2008. The Applicants respectfully request that amendments made on July 17, 2008 in response to the Office Action be entered upon submission of this Request for Continued Examination. Claims 1, 3, 7, 12, 14, 19, 22, 24, 28 are amended herein. Claims 4, 5, 20, 21, 29 and 30 are cancelled herein. No new matter is added.

35 U.S.C. § 103(a)

Claims 1, 3-7, 12-14, 19-24 and 28-30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination by Young, *et al., J. of Biological Chemistry* (1997) 272(18):12116-12121 in view of T'Jampens, *et al., FEBS Letters,* 516:20-26 (2002) and Khandekar, *et al., J of Biomolecular Screening,* 10(5)447-455 (2005). Specifically, the Examiner alleges that Young, *et al.* teach a test inhibitor, SB203580, and a p38 kinase incubated with FSBA and ATP to determine the kinase inhibitory activity of SB203580. The Examiner further alleges that the claims as previously amended differ from Young, *et al.* in that they include the limitation of using methods of Western Blot or mass spectroscopy to determine binding of the kinase analyte. The Examiner then alleges that T'Jampens, *et al.* teach determining "binding FSBA and ATP by Western blot analysis." The Examiner goes on to allege that Khandekar *et al.* teach a GC/MS method to monitor binding of ATP kinase inhibitors using FSBA.

The Applicants respectfully submit that claims 1, 3, 7, 12, 14, 19, 22, 24, 28 are amended herein to recite that "biotinylated-FSBA" instead of "analyte." Although the Applicants amended claims 12 and 22 in their response to the Office Action and removed the recitation of "Western blot," they amend claims 12 and 22 herein to recite "Western Blot" while also amending claim 1, 3, 7, 12, 14, 18, 22, 24 and 28 to recite "biotinylated-FSBA" instead of "analyte." The Applicants respectfully submit herein that neither Young, *et al.* nor T'Jampens, *et al.* teach using biotinylated-FSBA with Western Blot to identify inhibitors of kinases. The

Applicants further submit that, as previously noted in their response to the Office Action, Khandekar *et al.* was published after the filing of the instant application and, therefore, cannot be considered prior art. Thus, the Applicants submit that using biotinylated-FSBA and Western Blot to identify compounds that inhibit kinases is not obvious in view of Young, *et al.* and T'Jampens, *et al* either alone or in combination.

The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, the Applicants have overcome the rejection of claims 1, 3, 6, 7, 12, 13, 14, 19, 22, 23, 24, and 28 under 35 U.S.C. § 103(a). Claims 4, 5, 20, 21, 29 and 30 are cancelled herein, thus, rendering rejection of these claims moot. Accordingly, the Applicants respectfully request withdrawal of these rejections.

35 U.S.C. § 112, first paragraph

Claims 1, 3-4, 6-7, 12-14, 20, 22-24, 28-29 stand rejected under 35 U.S.C. § 112, first paragraph. The Examiner concedes that the specification is enabled for a "kinase" and "biotinylated-FSBA;" however, he alleges that it is not enabled for any analyte. The Applicants respectfully disagree. However, in an effort to advance prosecution the Applicants amend claims 1, 3, 6, 7, 12, 13, 14, 19, 22, 23, 24, and 28 herein to remove the recitation of "analyte" and replace it with "biotinylated-FSBA."

The Applicants respectfully submit that, in view of the forgoing remarks and the claims as amended, the Applicants have overcome the rejection of claims 1, 3, 6, 7, 12-14, 19, 22-24, and 28 under 35 U.S.C. § 112, first paragraph. Claims 4, 5, 20, 21, 29 and 30 are cancelled herein, thus, rendering rejection of these claims moot. Accordingly, the Applicants respectfully request withdrawal of these rejections.

35 U.S.C. § 112, second paragraph

Claims 1, 3-7, 12-14, 19-24, 28-30 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

The Applicants respectfully submit that, in view of the claims as previously amended, the Applicants have overcome the rejection of claims 1, 3, 6, 7, 12-14, 19, 22-24, and 28 under 35

U.S.C. § 112, second paragraph. Claims 4, 5, 20, 21, 29 and 30 are cancelled herein, thus, rendering rejection of these claims moot. Accordingly, the Applicants respectfully request withdrawal of these rejections.

Abstract

The Examiner objects to the abstract because it does not recite FSBA. The Applicants provide a new abstract herein.

The Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the cancelled claims, the claims as originally filed, and any other claims supported by the specification. The Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,

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Abstract

The present invention provides methods for identifying a test compound that inhibits a kinase having and ATP binding site comprising the steps of:

(a) contacting a composition comprising the kinase and test compound,

(b) contacting a composition comprising said kinase and said test compound with biotinylated-FSBA, and

(c) detecting whether said test compound inhibits said biotinylated-FSBA in step (b) from binding said ATP binding site using a method selected from the group of: Western blot, and mass spectrometry wherein a test compound that diminishes the binding of said biotinylated-FSBA to said kinase is an inhibitor of said kinase